



**US Army Corps  
of Engineers**  
Louisville District

# Public Notice

Public Notice No.

200400705

Date:

9 Jun 04

Closing Date:

30 Jun 04

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Mrs. Jane Archer, CELRL-OP-FN

P.O. Box 59

Louisville, Kentucky 40201-0059

Phone: (502) 315-6682

This notice announces a proposed establishment of an Ohio Department of Transportation wetland mitigation bank entitled the Green Heron Wetland Mitigation Bank. This submittal is being reviewed in accordance with the *Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks* (60 CFR Part 228).

BANK SPONSOR: Mr. Timothy M. Hill  
Ohio Department of Transportation  
Central Office  
P.O. Box 899  
Columbus, Ohio 43216-0899

LOCATION: The proposed mitigation bank is located east of US 27 and north of New London Road as shown in Section 15 of the attached Shandon Quadrangle in Butler County, Ohio (Figure 1).

Latitude: 39-21-38.7223

Longitude: 84-38-33.4164

7.5 Minute Quad: Shandon

PURPOSE: The purpose of the proposed establishment of wetland mitigation bank is to establish wetlands that would serve as mitigation for impacts for future Ohio Department of Transportation (ODOT) projects within the majority of Butler, Preble, and Montgomery Counties and portions of Hamilton and Warren Counties (Figure 4) which lies in the U.S.G.S. hydrological unit 05080002.

DESCRIPTION OF WORK: The applicant proposes to create a 20-acre wetland bank in two phases. Each phase would develop approximately ten acres of wetland. The 52-acre site is currently a sand and gravel operation. Phase 1 consists of a proposed grading plan (Figure 2) which approximately 10 acres of existing gravel operation will be excavated to an elevation of 568.00 feet. One-foot of excavated topsoil will be placed on approximately 7-acre of the site to bring the final grade to an elevation of 569 feet. Approximately 3 acres of the 10 acres will remain at approximately 568 elevations for amphibian breeding pools (Figures 3a and 3b) and provide the present of more permanent water year round.

An existing oxbow wetland (Figure 1a) located along the south side of the site would be connected to the proposed wetland by removing the existing gravel berm between the oxbow and the proposed wetland. A new water control structure would be installed at elevation 569.50. The proposed control structure would be 0.5 feet higher than the normal surface water elevation of the proposed wetland.

The ten-acre site in Phase 2 of the wetland development would take place directly south and adjacent to Phase 1. Phase 2 would also be graded to 568.00 elevation and will have one foot of topsoil backfilled to the elevation of 569.00. Two to three depressions totaling 3 acres would be developed to approximately the 568 elevation to provide a more permanent water component to the wetland. Please note that Phase 1 is proposed to be constructed this year and Phase 2 would be constructed five years later.

**HYDROLOGY:** The bank sponsor states that six ground monitoring wells were installed at the site in April 1999. The well data shows a recurrent pattern of annual fluctuation from 12 to 18 inches with a gradient across the site from northeast to southwest. This annual pattern of fluctuation has been used to set the design grades in the wetlands such that the site will maintain approximately 6 inches or less of water during the growing season. Additional hydrology will be added to the site by intercepting a small drainage channel that occurs along the north side of New London Road.

**PROPOSED MONITORING:** The bank sponsor proposes to monitor the wetland mitigation areas in the spring (April to June) and again during the summer (August) for a period of five years for each phase. An annual report would be submitted by December 31<sup>st</sup> of each year for review.

The bank sponsor anticipates deeding the Green Heron Consolidated Wetland Mitigation site to Metroparks of Butler County for ownership and long-term management of the site in perpetuity. No pre-credits would be issued for this wetland mitigation bank. The number of credits available for withdrawal would correspond with the level of aquatic functions attained at the bank at the time of debiting. Success criteria would be determined for this proposal at a later date.

**REVIEW PROCEDURES:** Based on the information provided in the conceptual plan, an individual Department of the Army (DA) Permit will not be required to establish the proposed wetland mitigation bank. This proposal will be reviewed in accordance with the *Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks* (60 CFR Part 228).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this request to construct the mitigation bank. A request for a public hearing must state the specific interest which might be damaged by establishing the

proposed mitigation bank.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to authorize the establishment of the mitigation bank will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed mitigation bank. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny this proposal. To make this decision, comments are used to access impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to accept the establishment of the mitigation bank. The establishment of this mitigation bank will be granted unless its issuance is found to be contrary to the public

Operations Division  
Regulatory Branch (North)  
ID No. 200400705

interest.

Information pertaining to this proposed mitigation bank is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Mrs. Jane Archer, CEORL-OP-FN at the address noted above and should refer to the Public Notice Number 200400705.